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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 29, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 FREDERICK SIMON,

12 Defendant,

13 and

14 WASHINGTON EASTERN RAILROAD
15 LLC,

16 Garnishee.

No. 2:07-CR-00087-001-WFN

AGREED ORDER OF
GARNISHMENT

17 This matter having come before the Court upon presentation of the Motion to
18 Approve an Agreed Order of Garnishment filed by Plaintiff, United States of America,
19 and entered into between the United States of America, by and through its attorney,
20 Brian M. Donovan, Assistant United States Attorney; Defendant, Frederick Simon,
21 appearing *pro se*; as evidenced by their signatures set forth below, and the Court being
22 fully advised and for good cause shown, finds the following:

- 23 1. Defendant's name is Frederick Simon and social security number is***-**-
24 8555.
25 2. Defendant is indebted to the United States and owes a remaining balance of
26 \$410,797.69 as of October 24, 2019, by reason of Defendant's default in
27 payments toward a Judgment filed on March 6, 2009. ECF No. 247.

3. The Garnishee, WASHINGTON EASTERN RAILROAD LLC, whose address is P.O. Box 1544, Ogden, UT 84402, has in its possession, custody or control, property of the Defendant in the form of wages and/or commissions paid to the Defendant.
4. Defendant waives service of an application for a writ of continuing garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990 (FDCPA), 28 U.S.C. Section 3205, and further waives the right to a hearing under Section 3205 and any other process to which the Judgment Defendant may be entitled under the FDCPA.
5. Defendant agrees and stipulates that wages and/or commissions are subject to garnishment under 28 U.S.C. Section 3205 and expressly agrees and stipulates that the entry of an agreed order of garnishment is proper.
6. The parties therefore agree and stipulate to the entry of an agreed order of garnishment against the non-exempt wages and/or commissions of Defendant. It is expressly agreed, stipulated and ordered that Defendant shall pay, via garnishment to the United States, \$150.00 per month, which shall be withheld from the wages and/or commissions owed the Defendant. However, said garnishment does not limit the United States' enforcement rights for this or any other matters under the laws of the United States or any State.
7. These sums will be applied to the Judgment rendered against Frederick Simon in this cause. These payments are to continue until the unpaid balance is fully paid and satisfied. Checks should be made payable to the **CLERK OF COURT** and mailed to the **United States District Court, Post Office Box 1493, Spokane, WA 99210-1493.**

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1 8. Nothing in this agreement prevents Plaintiff from pursuing administrative
2 offsets of any funds owed to Defendant by any government agency,
3 including the Internal Revenue Service, and Defendant specifically consents
4 to any such offset. Any payments applied to this claim by the Internal
5 Revenue Service as a result of tax return offsets will be credited as a
6 payment to the existing balance but will not interrupt the periodic payments
7 withheld from wages and/or commissions described above unless it results
8 in payment in full.

9 9. Defendant can at any time, request an accounting of the funds garnished.
10 However, Defendant hereby knowingly waives any rights under 28 U.S.C.
11 3205(c)(9) to any automatic accounting.

12 WHEREFORE, based on the finding set forth above, the terms of this Agreed
13 Order of Garnishment are hereby approved, and

14 IT IS SO ORDERED. The District Court Executive is directed to file this
15 Order and provide copies to Plaintiff, Defendant and Garnishee.


16 DATED this 29th day of October, 2019.

17
18 
19 United States District Judge

20 CONSENTED TO BY:

21 
22 Brian M. Donovan
23 Assistant United States Attorney

DATED: 10/24/19

24 
25 Frederick Simon
26 Defendant

DATED: 24 OCT 19